

REFERENCE TITLE: election law amendments

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

# SB 1074

Introduced by  
Senator Paton

## AN ACT

AMENDING SECTIONS 15-424, 15-493, 15-1442, 16-312, 16-314, 16-351, 16-542, 16-588.01 AND 19-101, ARIZONA REVISED STATUTES; AMENDING SECTION 19-121.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 244, SECTION 3; REPEALING SECTION 19-121.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 273, SECTION 27; AMENDING SECTIONS 19-121.02, 19-201 AND 19-212, ARIZONA REVISED STATUTES; BLENDING MULTIPLE ENACTMENTS; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-424, Arizona Revised Statutes, is amended to read:

15-424. Election of governing board members; terms; statement of contributions and expenditures

A. A regular election shall be held for each school district at the time and place, and in the manner, of general elections as provided in title 16.

B. Except as provided in subsection C of this section and sections 15-429 and 15-430, the term of office for each member shall be four years from January 1 next following ~~his~~ THE MEMBER'S election.

C. At the first general election held for a newly formed district, three members shall be elected. The candidate receiving the highest number of votes shall be elected to a four year term, and the candidates having the second and third highest number of votes shall be elected to two year terms. A district increasing its governing board to five members shall ELECT at the next general election ~~elect~~ members in the following manner:

1. If one of the previous three offices is to be filled, the three candidates receiving the highest, the second highest and the third highest number of votes shall be elected to four year terms.

2. If two of the previous three offices are to be filled, the candidates receiving the highest, the second highest and the third highest number of votes shall be elected to four year terms. The candidate receiving the fourth highest number of votes shall be elected to a two year term. Thereafter all such offices shall have four year terms.

D. If only one person files or no person files a nominating petition or nomination paper for a write-in candidate for an election to fill a district office, the board of supervisors no earlier than seventy-five days before the election may cancel the election for the position and appoint the person who filed the nominating petition OR NOMINATION PAPER to fill the position. If no person files a nominating petition OR NOMINATION PAPER for an election to fill a district office, the board of supervisors no earlier than seventy-five days before the election may cancel the election for that office and that office is deemed vacant and shall be filled as provided in section 15-302. A person who is appointed pursuant to this subsection is fully vested with the powers and duties of the office as if elected to that office.

E. If two or more candidates receive an equal number of votes for the same office, and a higher number than any other candidate for that office, whether upon the tally by the school election board or canvass of returns by the board of supervisors, or upon recount by a court, the officer or board whose duty it is to declare the result shall determine by lot and in the presence of the candidates which candidate shall be declared elected.

F. Position of the names of candidates for each office shall be rotated so that each candidate occupies each position on the ballot an equal

number of times, insofar as is possible, for each ballot style. For candidates seeking election to fill a vacancy on the governing board, the ballot shall be designated as provided in section 16-502.

G. This section does not require that a school election at which no member is to be elected be held on a general election day.

H. All candidates for the office of school district governing board member shall file with the county school superintendent a statement of contributions and expenditures as provided in section 16-913.

Sec. 2. Section 15-493, Arizona Revised Statutes, is amended to read:  
15-493. Canvass of votes; certification of result

The official returns shall be delivered to the county board of supervisors or the appropriate county elections officer. Within ~~fourteen~~ THIRTY days ~~of~~ AFTER the election, the county board of supervisors or the county elections officer shall canvass the results of the election and shall file duplicate copies of the certificate of the result of the election with the clerk of the board of supervisors and with the governing board of the school district.

Sec. 3. Section 15-1442, Arizona Revised Statutes, is amended to read:  
15-1442. Nominating petitions; election; returns; results; certificate of election; statement of contributions and expenditures

A. Candidates for the district board must file nominating petitions, conforming to ~~the provisions set forth in~~ section 16-314, with the appropriate county officer.

B. Members of the district board shall be elected at the time and place, and in the manner, of general elections as provided in title 16.

C. IF ONLY ONE PERSON FILES OR NO PERSON FILES A NOMINATING PETITION OR NOMINATION PAPER FOR A WRITE-IN CANDIDATE FOR AN ELECTION TO FILL A COMMUNITY COLLEGE BOARD OFFICE, THE COUNTY SCHOOL SUPERINTENDENT NO EARLIER THAN SEVENTY-FIVE DAYS BEFORE THE ELECTION MAY CANCEL THE ELECTION FOR THE POSITION AND APPOINT THE PERSON WHO FILED THE NOMINATING PETITION OR NOMINATION PAPER TO FILL THE POSITION. IF NO PERSON FILES A NOMINATING PETITION OR NOMINATION PAPER FOR AN ELECTION TO FILL A COMMUNITY COLLEGE BOARD OFFICE, THE COUNTY BOARD OF SUPERVISORS NO EARLIER THAN SEVENTY-FIVE DAYS BEFORE THE ELECTION MAY CANCEL THE ELECTION FOR THAT OFFICE AND THAT OFFICE IS DEEMED VACANT AND SHALL BE FILLED AS PROVIDED IN SECTION 15-1441. A PERSON WHO IS APPOINTED PURSUANT TO THIS SUBSECTION IS FULLY VESTED WITH THE POWERS AND DUTIES OF THE OFFICE AS IF ELECTED TO THAT OFFICE.

~~C.~~ D. The county school superintendent and the chairman of the board of supervisors shall meet on the seventh day following the election to canvass the returns in accordance with procedures for the canvass of returns in a general election. The county school superintendent shall declare the results of the election, declare elected the person receiving the highest number of votes for each office to be filled and issue to ~~him~~ THAT PERSON a certificate of election.

~~D.~~ E. All candidates for the office of community college district governing board member shall file with the clerk of the board of supervisors a statement of contributions and expenditures as provided in section 16-913.

Sec. 4. Section 16-312, Arizona Revised Statutes, is amended to read:

16-312. Filing of nomination papers for write-in candidates

A. Any person desiring to become a write-in candidate for an elective office in any election shall file a nomination paper, signed by the candidate, giving the person's actual residence address or description of place of residence and post office address, age, length of residence in the state and date of birth.

B. A write-in candidate shall file the nomination paper not later than 5:00 p.m. on the fortieth day prior to the election, except that:

1. A candidate running as a write-in candidate as provided in section 16-343, subsection D shall file the nomination paper not later than 5:00 p.m. on the fifth day before the election.

2. A candidate running as a write-in candidate for an election that may be canceled pursuant to ~~sections~~ SECTION 15-424, 15-1442, 16-822, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208 shall file the nomination paper not later than 5:00 p.m. on the seventy-sixth day before the election.

C. The write-in filing procedure shall be in the same manner as prescribed in section 16-311. Any person who does not file a timely nomination paper shall not be counted in the tally of ballots. The filing officer shall not accept the nomination paper of a candidate for state or local office unless the candidate provides or has provided both of the following:

1. A political committee statement of organization or the five hundred dollar threshold exemption statement for that office.

2. The financial disclosure statement as prescribed for candidates for that office.

D. The secretary of state shall notify the various boards of supervisors as to write-in candidates filing with the secretary of state's office. The county school superintendent shall notify the appropriate board of supervisors as to write-in candidates filing with the superintendent's office. The board of supervisors shall notify the appropriate election board inspector of all candidates who have properly filed such statements. In the case of a city or town election, the city or town clerk shall notify the appropriate election board inspector of candidates properly filed. No other write-ins shall be counted. The election board inspector shall post the notice of official write-in candidates in a conspicuous location within the polling place.

E. Except as provided in section 16-343, subsection E, a candidate may not file pursuant to this section if any of the following applies:

1           1. For a candidate in the general election, the candidate ran in the  
2 immediately preceding primary election and failed to be nominated to the  
3 office sought in the current election.

4           2. For a candidate in the general election, the candidate filed a  
5 nomination petition for the immediately preceding primary election for the  
6 office sought and failed to provide a sufficient number of valid petition  
7 signatures as prescribed by section 16-322.

8           3. For a candidate in the primary election, the candidate filed a  
9 nomination petition for the current primary election for the office sought  
10 and failed to provide a sufficient number of valid petition signatures as  
11 prescribed by section 16-322.

12           4. For a candidate in the general election, the candidate filed a  
13 nomination petition for nomination other than by primary for the office  
14 sought and failed to provide a sufficient number of valid petition signatures  
15 as prescribed by section 16-341.

16           F. A person who files a nomination paper pursuant to this section for  
17 the office of president of the United States shall designate in writing to  
18 the secretary of state at the time of filing the name of the candidate's  
19 vice-presidential running mate, the names of presidential electors who will  
20 represent that candidate and a statement signed by the vice-presidential  
21 running mate and designated presidential electors that indicates their  
22 consent to be designated. A nomination paper for each presidential elector  
23 designated shall be filed with the candidate's nomination paper. The number  
24 of presidential electors shall equal the number of United States senators and  
25 representatives in Congress from this state.

26           Sec. 5. Section 16-314, Arizona Revised Statutes, is amended to read:  
27 16-314. Filing and form of nomination petitions: definition

28           A. Any person desiring to become a candidate at any election and to  
29 have the person's name printed on the official ballot shall **FILE**, within the  
30 same time and with the same officer as provided by section 16-311, ~~file~~ a  
31 nomination petition in addition to the nomination paper required.

32           B. ~~As used in~~ **FOR THE PURPOSES OF** this title, "nomination petition"  
33 means the form or forms used for obtaining the required number of signatures  
34 of qualified electors, which is circulated by or on behalf of the person  
35 wishing to become a candidate for a political office.

36           C. Nomination petitions shall be captioned "partisan nomination  
37 petition" or "nonpartisan nomination petition", followed by the language of  
38 the petition in substantially the following form:

39                               Partisan Nomination Petition

40               ~~"~~I, the undersigned, a qualified elector of the county of  
41 \_\_\_\_\_, state of Arizona, and of (here name political  
42 division or district from which the nomination is sought) and a  
43 member of the \_\_\_\_\_ party or a person who is  
44 registered as no party preference or independent as the party  
45 preference or who is registered with a political party that is

not qualified for representation on the ballot, hereby nominate \_\_\_\_\_ who resides at \_\_\_\_\_ in the county of \_\_\_\_\_ for the party nomination for the office of \_\_\_\_\_ to be voted at the primary election to be held \_\_\_\_\_ as representing the principles of such party, and I hereby declare that I am qualified to vote for this office and that I have not signed, and will not sign, any nomination petition for more persons than the number of candidates necessary to fill such office at the next ensuing election. I FURTHER DECLARE THAT IF I CHOOSE TO USE A POST OFFICE BOX ADDRESS ON THIS PETITION, MY RESIDENCE ADDRESS HAS NOT CHANGED SINCE I LAST REPORTED IT TO THE COUNTY RECORDER FOR PURPOSES OF UPDATING MY VOTER REGISTRATION FILE."

#### Nonpartisan Nomination Petition

"I, the undersigned, a qualified elector of the county of \_\_\_\_\_, state of Arizona, and of (here name political division or district from which the nomination is sought) hereby nominate \_\_\_\_\_ who resides at \_\_\_\_\_ in the county of \_\_\_\_\_ for the office of \_\_\_\_\_ to be voted at the \_\_\_\_\_ election to be held \_\_\_\_\_, and hereby declare that I am qualified to vote for this office and that I have not signed and will not sign any nomination petitions for more persons than the number of candidates necessary to fill such office at the next ensuing election. I FURTHER DECLARE THAT IF I CHOOSE TO USE A POST OFFICE BOX ADDRESS ON THIS PETITION, MY RESIDENCE ADDRESS HAS NOT CHANGED SINCE I LAST REPORTED IT TO THE COUNTY RECORDER FOR PURPOSES OF UPDATING MY VOTER REGISTRATION FILE."

D. The nomination petition of a person seeking to fill an unexpired vacant term for any public office shall designate the expiration date of the term following the name of the office being sought.

Sec. 6. Section 16-351, Arizona Revised Statutes, is amended to read:

16-351. Limitations on appeals of validity of nomination petitions; disqualification of candidate

A. Any elector filing any court action challenging the nomination of a candidate as provided for in this chapter shall do so no later than 5:00 p.m. of the tenth day, excluding Saturday, Sunday and other legal holidays, after the last day for filing nomination papers and petitions. The elector shall specify in the action the petition number, line number and basis for the challenge for each signature being challenged. Failure to specify this information shall result in the dismissal of the court action. Within ten days after the filing of the action, the superior court shall hear and render a decision on the matter. Such decision shall be appealable only to the supreme court, and notice of appeal shall be filed within five days after the

1 decision of the superior court in the action. The supreme court shall hear  
2 and render a decision on the appeal promptly.

3 B. Any elector may challenge a candidate for any reason relating to  
4 qualifications for the office sought as prescribed by law, including age,  
5 residency or professional requirements, if applicable.

6 C. In any action challenging a nomination petition, the following  
7 persons are indispensable parties to the action and shall be named and served  
8 as defendants:

9 1. The candidate whose petition is the subject of the challenge.

10 2. The officer with whom the petitions are required to be filed.

11 3. The board of supervisors and the recorder of each county or the  
12 clerk of each city or town who are responsible for preparing the ballots that  
13 contain the challenged candidate's name.

14 D. For the purposes of an action challenging nomination petitions, the  
15 board of supervisors and the recorder of each county or the clerk of each  
16 city or town responsible for preparing the ballots that contain the  
17 challenged candidate's name and each person filing a nomination petition  
18 under this chapter appoints the officer with whom the candidate files the  
19 nomination paper and petitions as the person's agent to receive service of  
20 process. Process in an action challenging a nomination petition shall be  
21 served immediately after the action is filed and in no event more than  
22 twenty-four hours after filing the action excluding Saturdays, Sundays and  
23 other legal holidays. Immediately upon receipt of process served upon the  
24 officer as agent for a person filing a nomination petition, the officer shall  
25 mail the process to the person and shall notify ~~him~~ THE PERSON by telephone  
26 of the filing of the action.

27 E. Notwithstanding the system used pursuant to section 16-163,  
28 subsection D, the most current version of the general county register at the  
29 time of filing of a court action challenging a nomination petition shall  
30 constitute the official record to be used to determine on a prima facie basis  
31 by the challenger that the signer of a petition was not registered to vote at  
32 the RESIDENCE address given, OR AT THE ADDRESS ON THE GENERAL COUNTY REGISTER  
33 IF A MAILING ADDRESS WAS GIVEN, on the date of signing of the petition. This  
34 subsection does not preclude the challenged candidate from introducing into  
35 evidence a certified copy of the registration form of any signer of a  
36 petition dated on or before the date of the signing of the petition if the  
37 registration form is in the possession of the county recorder but has not yet  
38 been filed in the general county register.

39 F. In addition to the procedures set forth in this section, all  
40 petitions that have been submitted by a candidate who is found guilty of  
41 petition forgery shall be disqualified and that candidate shall not be  
42 eligible to seek election to a public office for a period of not less than  
43 five years.

1           Sec. 7. Section 16-542, Arizona Revised Statutes, is amended to read:  
2           16-542. Request for ballot

3           A. Within ninety-three days before any election called pursuant to the  
4 laws of this state, an elector may make a verbal or signed request to the  
5 county recorder, or other officer in charge of elections for the applicable  
6 political subdivision of this state in whose jurisdiction the elector is  
7 registered to vote, for an official early ballot. In addition to name and  
8 address, the requesting elector shall provide the date of birth and state or  
9 country of birth or other information that if compared to the voter  
10 registration information on file would confirm the identity of the elector.  
11 If the request indicates that the elector needs a primary election ballot and  
12 a general election ballot, the county recorder or other officer in charge of  
13 elections shall honor the request. For any partisan primary election, if the  
14 elector is not registered as a member of a political party that is entitled  
15 to continued representation on the ballot pursuant to section 16-804, the  
16 elector shall designate the ballot of only one of the political parties that  
17 is entitled to continued representation on the ballot and the elector may  
18 receive and vote the ballot of only that one political party. The county  
19 recorder may establish on-site early voting locations at the recorder's  
20 office, which shall be open and available for use beginning the same day that  
21 a county begins to send out the early ballots. The county recorder may also  
22 establish any other early voting locations in the county the recorder deems  
23 necessary.

24           B. Notwithstanding subsection A of this section, a request for an  
25 official early ballot from an absent uniformed services voter or overseas  
26 voter as defined in the uniformed and overseas citizens absentee voting act  
27 of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6) or a voter  
28 whose information is protected pursuant to section 16-153 that is received by  
29 the county recorder or other officer in charge of elections more than  
30 ninety-three days before the election is valid. If requested by the absent  
31 uniformed services or overseas voter, or a voter whose information is  
32 protected pursuant to section 16-153, the county recorder or other officer in  
33 charge of elections shall provide to the requesting voter early ballot  
34 materials through the next two regularly scheduled general elections for  
35 federal office immediately following receipt of the request.

36           C. The county recorder or other officer in charge of elections shall  
37 mail the early ballot and the envelope for its return postage prepaid to the  
38 address provided by the requesting elector within five days after receipt of  
39 the official early ballots from the officer charged by law with the duty of  
40 preparing ballots pursuant to section 16-545, EXCEPT THAT EARLY BALLOT  
41 DISTRIBUTION SHALL NOT BEGIN MORE THAN TWENTY-SIX DAYS BEFORE THE ELECTION.

42           D. Only the elector may be in possession of that elector's unvoted  
43 early ballot. If a complete and correct request is made by the elector  
44 within twenty-six days before the election, the mailing must be made within  
45 forty-eight hours after receipt of the request. Saturdays, Sundays and other



1 legal holidays are excluded from the computation of the forty-eight hour  
2 period prescribed by this subsection. If a complete and correct request is  
3 made by an absent uniformed services voter or an overseas voter before the  
4 election, the regular early ballot shall be transmitted by mail, by fax or by  
5 other electronic format approved by the secretary of state within twenty-four  
6 hours after the early ballots are delivered pursuant to section 16-545,  
7 subsection B, excluding Sundays.

8 E. In order to be complete and correct and to receive an early ballot  
9 by mail, an elector's request that an early ballot be mailed to the elector's  
10 residence or temporary address must include all of the information prescribed  
11 by subsection A of this section and must be received by the county recorder  
12 or other officer in charge of elections no later than 5:00 p.m. on the  
13 eleventh day preceding the election. An elector who appears personally no  
14 later than 5:00 p.m. on the Friday preceding the election at an on-site early  
15 voting location that is established by the county recorder or other officer  
16 in charge of elections shall be given a ballot and permitted to vote at the  
17 on-site location. If an elector's request to receive an early ballot is not  
18 complete and correct but complies with all other requirements of this  
19 section, the county recorder or other officer in charge of elections shall  
20 attempt to notify the elector of the deficiency of the request.

21 F. Unless an elector specifies that the address to which an early  
22 ballot is to be sent is a temporary address, the recorder may use the  
23 information from an early ballot request form to update voter registration  
24 records.

25 G. The county recorder or other officer in charge of early balloting  
26 shall provide an alphabetized list of all voters in the precinct who have  
27 requested and have been sent an early ballot to the election board of the  
28 precinct in which the voter is registered not later than the day prior to the  
29 election.

30 H. As a result of an emergency occurring between 5:00 p.m. on the  
31 second Friday preceding the election and 5:00 p.m. on the Monday preceding  
32 the election, qualified electors may request to vote early in the manner  
33 prescribed by the county recorder of their respective county. For the  
34 purposes of this subsection, "emergency" means any unforeseen circumstances  
35 that would prevent the elector from voting at the polls.

36 I. A candidate or political committee may distribute early ballot  
37 request forms to voters. If the early ballot request forms include a printed  
38 address for return to an addressee other than a political subdivision, the  
39 addressee shall be the candidate or political committee that paid for the  
40 printing and distribution of the request forms. All early ballot request  
41 forms that are received by a candidate or political committee shall be  
42 transmitted as soon as practicable to the political subdivision that will  
43 conduct the election.

Sec. 8. Section 16-558.01, Arizona Revised Statutes, is amended to read:

16-558.01. Mailing of ballots

Not more than ~~thirty-three~~ TWENTY-SIX days before the election and not fewer than fifteen days before the election, the county recorder or other officer in charge of elections for the special district shall send by nonforwardable mail all official ballots with printed instructions and a return envelope bearing a printed ballot affidavit as described in section 16-547 to each qualified elector entitled to vote in the election. The envelope in which the ballot is mailed shall be clearly marked with the statement required by the postmaster to receive an address correction and notification. The district governing board shall determine whether the voter or the district governing board will pay for the postage for the return of electors' marked ballots. An elector who votes in a special district mail ballot election shall return the elector's marked ballot to the recorder or other officer in charge of the election or to a designated depository site as provided in section 16-411 no later than 7:00 p.m. on the day of the election.

Sec. 9. Section 19-101, Arizona Revised Statutes, is amended to read:

19-101. Referendum petition; circulators; violation; classification

A. The following shall be the form for referring to the people by referendum petition a measure or item, section or part of a measure enacted by the legislature, or by the legislative body of an incorporated city, town or county:

Referendum Description

(Insert a description of no more than one hundred words of the principal provisions of the measure sought to be referred.)

Notice: This is only a description of the measure sought to be referred prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.

Petition for Referendum

To the secretary of state~~+~~ (or to the corresponding officer for or on local, county, city or town measures):

We, the undersigned citizens and qualified electors of the state of Arizona, respectfully order that the senate (or house) bill No. \_\_\_\_ (or other local, county, city or town measure) entitled (title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used), passed by the \_\_\_\_\_ session of the legislature of the state of Arizona, at the general (or special, as the case may be) session of said legislature, (or by a

county, city or town legislative body) shall be referred to a vote of the qualified electors of the state, (county, city or town) for their approval or rejection at the next regular general election (or county, city or town election) and each for himself says:

I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of (or city or town and county of, as the case may be)

AND I DECLARE THAT IF I CHOOSE TO USE A POST OFFICE BOX ADDRESS ON THIS PETITION, MY RESIDENCE ADDRESS HAS NOT CHANGED SINCE I LAST REPORTED IT TO THE COUNTY RECORDER FOR PURPOSES OF UPDATING MY VOTER REGISTRATION FILE.

**Warning**

It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector.

Signature	Name	Actual	Arizona	City or	Date
	(first and	address	post office	town	signed
	last name	(street &	address	(if any)	
	printed)	no. and if	& zip		
		no street	code		
		address,			
		describe			
		residence			
		location)			

(Fifteen lines for signatures which shall be numbered)

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet.

Number \_\_\_\_\_

B. Each petition sheet shall have printed in capital letters in no less than twelve point bold-faced type in the upper right-hand corner of the face of the petition sheet the following:

"\_\_\_\_\_ paid circulator" "\_\_\_\_\_ volunteer".

C. A circulator of a referendum petition shall state whether he is a paid circulator or volunteer by checking the appropriate line on the petition form before circulating the petition for signatures.

1 D. Signatures obtained on referendum petitions in violation of  
2 subsection C are void and shall not be counted in determining the legal  
3 sufficiency of the petition. The presence of signatures that are invalidated  
4 under this subsection on a petition does not invalidate other signatures on  
5 the petition that were obtained as prescribed by this section.

6 Sec. 10. Section 19-121.01, Arizona Revised Statutes, as amended by  
7 Laws 2008, chapter 244, section 3, is amended to read:

8 19-121.01. Secretary of state; removal of petition and  
9 ineligible signatures; facsimile sheets; random  
10 sample

11 A. Within twenty days, excluding Saturdays, Sundays and other legal  
12 holidays, of the date of filing of an initiative or referendum petition and  
13 issuance of the receipt, the secretary of state shall:

14 1. Remove the following:

15 (a) Those sheets not attached to a copy of the title and text of the  
16 measure.

17 (b) The copy of the title and text from the remaining petition sheets.

18 (c) Those sheets not bearing the petition serial number in the lower  
19 right-hand corner of each side.

20 (d) Those sheets containing a circulator's affidavit that is not  
21 completed or signed.

22 (e) Those sheets on which the affidavit of the circulator is not  
23 notarized, the notary's signature is missing, the notary's commission has  
24 expired or the notary's seal is not affixed.

25 (f) Those sheets on which the signatures of the circulator or the  
26 notary are dated earlier than the dates on which the electors signed the face  
27 of the petition sheet.

28 2. After completing the steps in paragraph 1 of this subsection,  
29 review each sheet to determine the county of the majority of the signers and  
30 shall:

31 (a) Place a three or four letter abbreviation designating that county  
32 in the upper right-hand corner of the face of the petition.

33 (b) Remove all signatures of those not in the county of the majority  
34 on each sheet by marking an "SS" in red ink in the margin to the right of the  
35 signature line.

36 (c) Cause all signature sheets to be grouped together by county of  
37 registration of the majority of those signing and attach them to one or more  
38 copies of the title and text of the measure. If the sheets are too bulky for  
39 convenient grouping by the secretary of state in one volume by county, they  
40 may be bound in two or more volumes with those in each volume attached to a  
41 single printed copy of the measure. The remaining detached copies of the  
42 title and text of the measure shall be delivered to the applicant.

43 3. After completing the steps in paragraph 2 of this subsection,  
44 remove the following signatures that are not eligible for verification by  
45 marking an "SS" in red ink in the margin to the right of the signature line:

- 1 (a) If the signature of the qualified elector is missing.
- 2 (b) If the **POST OFFICE BOX ADDRESS**, residence address or the
- 3 description of residence location is missing.
- 4 (c) If the date on which the petitioner signed is missing.
- 5 (d) Signatures in excess of the fifteen signatures permitted per
- 6 petition.
- 7 (e) Signatures withdrawn pursuant to section ~~1-261~~ **19-113**.
- 8 4. After the removal of petition sheets and signatures, count the
- 9 number of signatures for verification on the remaining petition sheets and
- 10 note that number in the upper right-hand corner of the face of each petition
- 11 sheet immediately above the county designation.
- 12 5. Number the remaining petition sheets that were not previously
- 13 removed and that contain signatures eligible for verification in consecutive
- 14 order on the front side of each petition sheet in the upper left-hand corner.
- 15 6. Count all remaining petition sheets and signatures not previously
- 16 removed and issue a receipt to the applicant of this total number eligible
- 17 for verification.
- 18 B. If the total number of signatures for verification as determined
- 19 pursuant to subsection A, paragraph 6 of this section equals or exceeds the
- 20 constitutional minimum, the secretary of state, during the same twenty day
- 21 period provided in subsection A of this section, shall select, at random,
- 22 five per cent of the total signatures eligible for verification by the county
- 23 recorders of the counties in which the persons signing the petition claim to
- 24 be qualified electors. The random sample of signatures to be verified shall
- 25 be drawn in such a manner that every signature eligible for verification has
- 26 an equal chance of being included in the sample. The random sample produced
- 27 shall identify each signature selected by petition page and line number. The
- 28 signatures selected shall be marked according to the following procedure:
- 29 1. Using red ink, mark the selected signature by circling the line
- 30 number and drawing a line from the base of the circle extending into the left
- 31 margin.
- 32 2. If a signature line selected for the random sample is found to be
- 33 blank or was removed from the verification process pursuant to subsection A
- 34 of this section and is marked with an "SS", then the next line down, even if
- 35 that requires going to the next petition sheet in sequence, on which an
- 36 eligible signature appears shall be selected as a substitute if that line has
- 37 not already been selected for the random sample. If the next eligible line
- 38 is already being used in the random sample, the secretary of state shall
- 39 proceed back up the page from the signature line originally selected for the
- 40 random sample to the next previous signature line eligible for verification.
- 41 If that line is already being used in the random sample, the secretary of
- 42 state shall continue moving down the page or to the next page from the line
- 43 originally selected for the random sample and shall select the next eligible
- 44 signature as its substitute for the random sample. The secretary of state
- 45 shall use this process of alternately moving forward and backward until a

1 signature eligible for verification and not already included in the random  
2 sample can be selected and substituted.

3 C. After the selection of the random sample and the marking of the  
4 signatures selected on the original petition sheets pursuant to subsection B  
5 of this section, the secretary of state shall reproduce a facsimile of the  
6 front of each signature sheet on which a signature included in the random  
7 sample appears. The secretary of state shall clearly identify those  
8 signatures marked for verification by color highlighting or other similar  
9 method and shall transmit by personal delivery or certified mail to each  
10 county recorder a facsimile sheet of each signature sheet on which a  
11 signature appears of any individual who claims to be a qualified elector of  
12 that county and whose signature was selected for verification as part of the  
13 random sample.

14 D. The secretary of state shall retain in custody all signature sheets  
15 removed pursuant to this section except as otherwise prescribed in this  
16 title.

17 Sec. 11. Repeal

18 Section 19-121.01, Arizona Revised Statutes, as amended by Laws 2008,  
19 chapter 273, section 27, is repealed.

20 Sec. 12. Section 19-121.02, Arizona Revised Statutes, is amended to  
21 read:

22 19-121.02. Certification by county recorder

23 A. Within fifteen days, excluding Saturdays, Sundays and other legal  
24 holidays, after receiving the facsimile signature sheets from the secretary  
25 of state pursuant to section 19-121.01, the county recorder shall determine  
26 which signatures of individuals whose names were transmitted shall be  
27 disqualified for any of the following reasons:

28 1. No POST OFFICE BOX ADDRESS, residence address or description of  
29 residence location is provided.

30 2. No date of signing is provided.

31 3. The signature is illegible and the signer is otherwise  
32 unidentifiable.

33 4. The address provided is illegible or nonexistent.

34 5. The individual was not a qualified elector on the date of signing  
35 the petition.

36 6. The individual was a registered voter but was not at least eighteen  
37 years of age on the date of signing the petition or affidavit.

38 7. The signature was disqualified after comparison with the signature  
39 on the affidavit of registration.

40 8. If a petitioner signed more than once, all but one otherwise valid  
41 signature shall be disqualified.

42 9. For the same reasons any signatures or entire petition sheets could  
43 have been removed by the secretary of state pursuant to section 19-121.01,  
44 subsection A, paragraph 3.

1 B. Within the same time period provided in subsection A of this  
2 section, the county recorder shall certify to the secretary of state the  
3 following:

4 1. The name of any individual whose signature was included in the  
5 random sample and disqualified by the county recorder together with the  
6 petition page and line number of the disqualified signature.

7 2. The total number of signatures selected for the random sample and  
8 transmitted to the county recorder for verification and the total number of  
9 random sample signatures disqualified.

10 C. The secretary of state shall prescribe the form of the county  
11 recorder's certification.

12 D. At the time of the certification, the county recorder shall:

13 1. Return the facsimile signature sheets to the secretary of state.

14 2. Send notice of the results of the certification by mail to the  
15 person or organization that submitted the initiative or referendum petitions  
16 and to the secretary of state.

17 Sec. 13. Section 19-201, Arizona Revised Statutes, is amended to read:

18 19-201. Officers subject to recall; number of petitioners

19 A. Every public officer holding an elective office, either by  
20 election, appointment or retention, is subject to recall from such office by  
21 the qualified electors of the electoral district from which candidates are  
22 elected to that office. Such electoral district may include the whole state.  
23 A number of qualified electors equaling twenty-five per cent of the number of  
24 votes cast at the last preceding general election for all the candidates for  
25 the office held by the officer, even if the officer was not elected at that  
26 election, divided by the number of offices that were being filled at that  
27 election ~~may~~, by recall petition, ~~MAY~~ demand his recall.

28 B. In the case of a public officer holding office in a newly created  
29 division or district of an elective office, either by election or  
30 appointment, a number of qualified electors equaling twenty-five per cent of  
31 the number of votes cast at the last preceding general election for all those  
32 who were candidates for other divisions or districts of the same office held  
33 by the officer in that county or city divided by the number of offices that  
34 were being filled at that election ~~may~~, by recall petition, ~~MAY~~ demand his  
35 recall.

36 C. If the elective officer to be recalled was appointed to the office  
37 or was deemed elected after an election was canceled due to the absence of  
38 opposing candidates as provided in section 15-424, 15-1442, 16-822, 48-802,  
39 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208, the recall  
40 petition must be signed by the number of qualified electors that is equal to  
41 at least ten per cent of the number of active registered voters in the  
42 jurisdiction or district represented by that elective officer as determined  
43 on the date of the last general election.

1           Sec. 14. Section 19-212, Arizona Revised Statutes, is amended to read:  
2           19-212. Nomination petition; form; filing

3           A. Unless the officer otherwise requests in writing, the name of the  
4 officer against whom a recall petition is filed shall be placed as a  
5 candidate on the official ballot without nomination. Other candidates for  
6 the office may be nominated to be voted upon at the election and shall be  
7 placed upon the official recall ballot after filing a nomination petition  
8 that is signed by a number of qualified electors that is equal to at least  
9 two per cent of the total votes cast for all candidates for that office at  
10 the last election for that office. Nomination petition signers shall be  
11 qualified electors of the electoral district of the officer against whom the  
12 recall petition is filed.

13           B. If the officer against whom a recall petition is filed was  
14 appointed to the office or was deemed elected after an election was canceled  
15 due to the absence of opposing candidates as provided in section 15-424,  
16 15-1442, 16-822, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107  
17 or 48-2208, other candidates for the office to be voted on in the recall  
18 election shall be placed on the official recall ballot after filing a  
19 nomination petition that is signed by the number of qualified electors that  
20 is equal to at least one-half of one per cent of the number of active  
21 registered voters in the jurisdiction or district represented by that  
22 elective officer as determined on the date of the last general election with  
23 no less than five signatures. Nomination petition signers shall be qualified  
24 electors of the electoral district of the officer against whom the recall  
25 petition is filed.

26           C. The title and body of the nomination petition shall be  
27 substantially in the following form:

28                       Nomination Petition--Recall Election  
29                       We, the undersigned electors, qualified to vote in the  
30 recall election mentioned herein, residents of the precinct  
31 indicated by the residence addresses given, and residents of the  
32 county of \_\_\_\_\_, state of Arizona, hereby nominate \_\_\_\_\_, who  
33 resides at \_\_\_\_\_, in the county of \_\_\_\_\_ to be a candidate in  
34 the recall election for the office of \_\_\_\_\_ to be held on  
35 \_\_\_\_\_, and we further declare that  
36                       (date)

37                       we have not signed and will not sign any nomination paper for  
38 any other person for such office.

39 The remainder of the petition shall be substantially in the form prescribed  
40 in section 16-315.

41           D. If recall petitions have been filed against more than one member of  
42 a multimember public body whose members serve at large, the nomination  
43 petition and paper of the other candidates shall state which member they  
44 oppose.



1           E. To each nomination petition shall be appended a certificate by a  
2 person who is qualified to register to vote pursuant to section 16-101  
3 stating that to the best of ~~his~~ THAT PERSONS' knowledge and belief all the  
4 signers of the nomination petition are qualified electors of the precinct  
5 ~~which~~ they give as their residence.

6           F. Such nomination petition shall be filed not more than ninety days  
7 nor less than sixty days prior to the date of the recall election.